#### RHODE ISLAND RESOURCE RECOVERY CORPORATION

Business Meeting
Tuesday, October 11, 2005
65 Shun Pike
Johnston, RI 02919

#### I. Attendance

A. Austin Ferland, Chairman and CEO
Michael Salvadore, Treasurer
Ken Aurecchia
Wayne Salisbury
John St. Sauveur
Jerry Williams

### **II. Staff Present**

Sherry Mulhearn, Executive Director
James Allam, Deputy Executive Director
Joseph Judge, Chief Financial Officer
Dennis aRusso, Operations Manager
Michael Mesolella, Recycling Coordinator
Michael McGonagle, MIS and Analysis
Patrick McQueeney, Chief of Security
Andre Lefebvre, MRF Manager
Claude Cote, Director of Regulatory Compliance

Patricia Cerbo, Purchasing Manager Sharon D'Angelo, Administrative Manager

**Others Present** 

John Powers, Upton Group

David Stukis, Turner Waste

Sarah Kite, Town of Smithfield

## III. Agenda Items

1. Call to Order – Chairman Ferland called the meeting to order at 1:00 p.m.

## 2. Minutes of the Meeting

Ken Aurecchia made the following motion:

THAT THE READING OF THE MINUTES BE WAIVED AND FURTHER THAT THE MINUTES OF THE PREVIOUS MEETING OF THE OPEN SESSION AND THE EXECUTIVE SESSION HELD ON AUGUST 2, 2005 BE ACCEPTED AND APPROVED AS PRESENTED TO EACH COMMISSIONER TODAY.

Jerry Williams seconded the motion which passed unanimously.

Chairman Ferland opened the meeting to questions or comments.

There were no questions or comments.

- 3. Set the Next Meeting No date was scheduled.
- 4. Contracts
- a) Unison Management Site Contract This matter was deferred to the Finance Subcommittee for their review.
- b) Janitorial Services Bill Anderson reported that bids were solicited on Monday, July 25, 2005 for the daily cleaning of the Corporation's office facilities. The procurement appeared in the Providence Journal. Notice of this solicitation was placed on the State's electronic bulletin board. A pre-bid conference was held on August 3, 2005. A public bid opening was held on August 24, 2005. Following an evaluation of Bids received and based on the lowest responsive and responsible bidder, the staff evaluation committee recommends awarding the contract to Neu Solutions Maintenance Company.

John St. Sauveur made the following motion:

BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS AUTHORIZES THE CHAIRMAN OF THE BOARD AND/OR THE

EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACTUAL AGREEMENT BETWEEN RHODE ISLAND RESOURCE RECOVERY CORPORATION AND NEU SOLUTIONS MAINTENANCE COMPANY OF PAWTUCKET, RI FOR IFB NO. 719 – JANITORIAL SERVICES FOR AN AMOUNT NOT-TO-EXCEED (\$2,250.00 PER MONTH FOR 12 MONTHS = \$27,000.00) WITH A 10% CONTINGENCY FOR ANY EXTRA CLEANING. THIS CONTRACT WILL BE FOR ONE YEAR WITH AN OPTION TO RENEW UNDER THE SAME TERMS AND CONDITIONS FOR TWO ADDITIONAL ONE YEAR TERMS.

Michael Salvadore seconded the motion which passed unanimously.

c) Rock Crushing Services – Dennis aRusso reported that bids were solicited on July 14, 2005 for up to 200,000 tons of rock crushing services. The procurement appeared in the Providence Journal on July 14, 2005 and was placed on the State's electronic bulletin board. Notice of solicitation was sent to the Dodge Report and New England Construction News. A public bid opening was held on August 4, 2005. There were three respondents to the bid. Following an evaluation of the bids received and based upon the lowest responsive and responsible bidder the Staff Evaluation Committee recommends awarding the contract to Patriot Hauling Company, Inc.

Jerry Williams made the following motion:

BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS

AUTHORIZES THE CHAIRMAN OF THE BOARD OR THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACTUAL AGREEMENT FOR UP TO 200,000 TONS OF ROCK CRUSHING SERVICES BETWEEN RHODE ISLAND RESOURCE RECOVERY CORPORATION AND PATRIOT HAULING COMPANY, INC. OF JOHNSTON, RI FOR AN AMOUNT NOT TO EXCEED \$781,000.00. THE BASE CONTRACT SHALL BE SET AT \$706,000.00 FOR UP TO 200,000 TONS AND \$75,000.00 ADDITIONAL FOR RE-SCREENING OF (50,000 TONS **PER** TON) OF STONE, IF REQUIRED TO MEET SPECIFICATIONS. THE CONTRACT WOULD COMMENCE UPON CONTRACT EXECUTION AND WILL BE COMPLETED WITHIN 180 **WORKING DAYS.** 

John St. Sauveur seconded the motion which passed unanimously.

d) Phase IV Landfill Cap Construction - Bill Anderson reported that on July 6, 2005 the Corporation advertised for the competitive procurement of a qualified company to construct the Phase IV Cap. A pre-proposal conference was held on July 20, 2005 by eight firms. Notice of solicitation appeared in the Providence Journal, Dodge Reports, New England Construction News and was listed on the State's electronic bulletin board. There were 10 recipients of the proposal and three respondents. After careful review of the experience, expertise and qualifications demonstrated by each firm **Evaluation** Committee the Staff recommended **DiGregorio** Corporation. Bill stated that the Finance Subcommittee had reviewed

this matter prior to today's meeting.

Michael Salvadore made the following motion:

BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS AUTHORIZES THE CHAIRMAN OF THE BOARD OR THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACTUAL AGREEMENT FOR THE CONSTRUCTION OF THE PHASE IV LANDFILL CAP AS SPECIFIED IN RFQ/RFP NO. 852, WITH DIGREGORIO CORPORATION OF SMITHFIELD, RI FOR A TOTAL NOT TO EXCEED PRICE OF \$6,998,200.00.

John St. Sauveur seconded the motion which passed unanimously.

e) Printing Services – Jim Allam reported that bids were solicited on July 12, 2005 for IFB No. 714 for printing services. Notice of solicitation appeared in the Providence Journal and was placed on the State's Electronic Bulletin Board. There were 24 recipients of the IFB and seven respondents. After a thorough review of the bids, it was determined that Proprint of Johnston, RI should be the selected contractor for this contract.

John St. Sauveur made the following motion:

BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS AUTHORIZES THE CHAIRMAN OF THE BOARD OR THE EXECUTIVE

DIRECTOR TO ENTER INTO A CONTRACTUAL AGREEMENT BETWEEN THE RHODE ISLAND RESOURCE RECOVERY CORPORATION AND PROPRINT, INC. FOR AN AMOUNT NOT TO EXCEED \$115,000.00 FOR PRINTING SERVICES. SERVICES WILL COMMENCE ON NOVEMBER 1, 2005 AND CONTINUE FOR A PERIOD OF 12 MONTHS WITH AN OPTION TO RENEW UNDER THE SAME TERMS AND CONDITIONS, AT RIRRC'S OPTION, FOR TWO ADDITIONAL ONE YEAR PERIODS.

Jerry Williams seconded the motion which passed unanimously.

f) 6,000 lb. Fork Lift – Patrick Fingliss stated that bids were solicited on June 15, 2005, for the supply and delivery of one 6,000 lb. Propane powered forklift for the MRF. The forklift will be used at the MRF to load bottles and cans. Notice of solicitation appeared in the Providence Journal and was placed on the State's electronic bulletin board. A public bid opening was held on July 13, 2005. There were four responses to the IFB. Following a review of the bids, the staff evaluation committee recommends that a contract be entered into with Crellin Handling Equipment for the supply and delivery of one 6,000 lb. Propane Powered Forklift.

John St. Sauveur made the following motion:

BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS AUTHORIZES THE CHAIRMAN OF THE BOARD OR THE EXECUTIVE

DIRECTOR TO ENTER INTO A CONTRACTUAL AGREEMENT WITH CRELLIN HANDLING EQUIPMENT OF EAST PROVIDENCE, RI FOR THE PURCHASE OF ONE NEW 6,000 LB KOMATSU PROPANE POWERED FORKLIFT, MODEL FG30HT-14, AS OUTLINED IN THE VENDOR'S BID DATED JUNE 22, 2005, AND CORRESPONDENCE FROM CRELLIN ADDRESSING THE ISSUES OUTLINED DATED JULY 25, 2005 IN RESPONSE TO IFB NO. 711 FOR AN AMOUNT NOT TO EXCEED \$23,430 WITH DELIVERY OF THE FORKLIFT TO BE WITHIN 84 CALENDAR DAYS OF CONTRACT EXECUTION.

Wayne Salisbury seconded the motion which passed unanimously.

g) Telecommunications – Mike McGonagle stated that proposals were solicited for RFQ/RFP Telecommunication System. Notice appeared in the Providence Journal and was placed on the State's electronic bulletin board. The RFQ/RFP was received by 35 telecommunications firms. There was a pre-proposal conference held on July 13, 2005. Five proposals were received. Each proposal was reviewed by a staff evaluation committee. Four vendors were interviewed. Mitel SX200 IPC system proposed by Metropolitan Communications, Inc. was selected.

Wayne Salisbury made the following motion:

BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS AUTHORIZES THE CHAIRMAN AND/OR EXECUTIVE DIRECTOR TO

ENTER INTO A CONTRACTUAL AGREEMENT WITH METROPOLITAN TELEPHONE FOR A NOT TO EXCEED AMOUNT OF \$47,700 WHICH PROVIDE AND CONSISTS OF \$43.370 TO **IMPLEMENT** TELECOMMUNICATIONS SYSTEM, PLUS A 1-% CONTINGENCY FOR SYSTEM MODIFICATIONS THAT ARE IDENTIFIED DURING THE SYSTEM IMPLEMENTATION. THE CONTRACTUAL AGREEMENT SHALL RESERVE THE RIGHT FOR RHODE ISLAND RECOVERY CORPORATION TO EXTEND THE SERVICE CONTRACT FOR TWO ADDITIONAL ONE YEAR PERIODS UNDER THE SAME TERMS AND **CONDITIONS: AND CONTINGENT UPON APPROVAL OF THE RHODE** STATE AUDITOR GENERAL'S OFFICE ISLAND TWO MORE ADDITIONAL ONE YEAR PERIODS, FOR A TOTAL OF FOUR YEARS.

John St. Sauveur seconded the motion which passed unanimously.

#### **Contract Renewal**

a) Staffing Services for MRF – Patrick Fingliss reported that on May 6, 2003 the Corporation issued a Request for Qualifications/Request for Proposals for potential vendors to provide qualified workers on a daily basis that meet job descriptions that were presented in the RFQ/RFP and to manage and administer a work force for the operation and maintenance of the Corporation's Material Recycling Facility. There were three responses to this solicitation and upon evaluation, RIRRC awarded a contract to Employment 2000, Inc./Enviro Temps, Inc. The contract commenced on November 1,

2003 with an ending date of October 31, 2004 for an amount not to exceed \$1,900,000 with an option to renew under the same terms and conditions for two additional one-year periods at the Corporation's option. The contract was renewed for the first one year period for the period November 1, 2004 to October 31, 2005 for an amount not to exceed \$1,790,000. The performance of Employment 2000, Inc./Enviro Temps, Inc. during the past 22 months has been satisfactory.

Jerry Williams made the following motion:

BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS AUTHORIZES THE CHAIRMAN OF THE BOARD OR THE EXECUTIVE DIRECTOR TO RENEW THE CONTRACTUAL AGREEMENT WITH EMPLOYMENT 2000,INC./ENVIRO TEMPS, INC. OF 541 HARTFORD AVENUE, PROVIDENCE, RI TO PROVIDE, MANAGE AND ADMINISTER A WORK FORCE FOR THE OPERATION AND MAINTENANCE OF THE MATERIALS RECYCLING FACILITY FOR AN AMOUNT NOT TO EXCEED \$1,512,000. THE CONTRACT WILL COMMENCE ON NOVEMBER 1, 2005 AND EXPIRE ON OCTOBER 31, 2006.

Michael Salvadore seconded the motion which passed unanimously.

## **Contract Increase**

a) Haybale Installation and Erosion Control – Bill Anderson reported that in July 2004 Baldwin Farms was awarded a contract to provide

erosion control maintenance services in the amount of \$415,000. These maintenance services were intended to provide erosion control for the entire facility. However, due to the ongoing OU1-Cap project with EPA oversight through Metcalf and Eddy, additional erosion control services were required on previously capped areas. Most of these services were covered by the existing contract. Baldwin's contract amount did not include the budgeted amount for the OU-1 maintenance. As of June 30 Baldwin's contract was exceeded by \$38,941.51. The Finance Subcommittee has reviewed this matter prior to today's meeting.

Michael Salvadore made the following motion:

BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS AUTHORIZES THE CHAIRMAN OF THE BOARD OR THE EXECUTIVE DIRECTOR TO INCREASE THE CONTRACTUAL AGREEMENT FOR EROSION CONTROL SERVICES AS SPECIFIED IN IFB NO. 662, WITH BALDWIN FARMS INC. OF PAWTUCKET, RI FOR A TOTAL INCREASE OF \$38,941.51 FOR A TOTAL CONTRACT PRICE OF \$453,941.51.

John St. Sauveur seconded the motion which passed unanimously.

b) Reconstruction of Shun Pike and Scituate Avenue – Bill Anderson reported that in April 2005 he notified the Board of a potential contract increase for the reconstruction of Shun Pike and Scituate Avenue. The majority of the increase relates to project delays as a result of the utility companies; however a portion of the increase is

directly related to the bid quantity discrepancies related to loam and seed. The total potential contract increase is \$163,908.56, however \$19,338.16 is still under review and in dispute. The majority of the increase is a direct result of the delay in the project caused by the utilities, the temporary road opening and protection, and the extraordinary amount of police details. A bid error on the amount of loam and seed resulted in \$45,225 in additional costs. The Finance Subcommittee reviewed this matter prior to today's meeting.

Michael Salvadore made the following motion:

BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS AUTHORIZES THE CHAIRMAN OF THE BOARD OR THE EXECUTIVE DIRECTOR TO INCREASE THE CONTRACTUAL AGREEMENT FOR THE RECONSTRUCTION OF SHUN PIKE AND SCITUATE AVENUE AS SPECIFIED IN RFQ/RFP NO. 830, WITH J.H. LYNCH & SONS, INC. OF CUMBERLAND, RI FOR A TOTAL INCREASE OF \$163,908.56 FOR A TOTAL CONTRACT PRICE OF \$2,467,518.56.

John St. Sauveur seconded the motion which passed unanimously.

# **Change Order Request**

a) OUI -Cap Construction Areas 5, 6 & 7 – Bill Anderson reported that the subgrade fill requirements have been a moving target for the OU-1 Cap since the project began. The original bid estimate of 250,000 cy

of material would be required to achieve EPA design requirements for the subgrade beneath the cap. However, the original estimates were off considerably and in fact, and additional 130,000 cy of material was necessary to achieve final grade. Based upon pre and post volume surveys. The final post survey for Area 5 has not been formally completed and presented for review by Louis Berger Associates. After a review of the original bid documents and comparing the original grades to the proposed subgrade elevation, the total fill requirements would have been 395,000 cy compared to Louis Berger's 250,000 cy estimate. Louis Berger's estimate appears to have been incorrect in the fill required for Area 6. This estimate was off by over 100,000 cy. On a second change order request, J. H. Lynch has requested an increase to the contract in the amount of \$11,335.55. This request is for work that has been completed for field modifications to the Area 1 downchute and diversion benches entering this chute. The work was outside of the original contract limits but was necessary to allow proper stormwater conveyance across the cap. This matter was reviewed by the Subcommittee prior to today's meeting. Jerry Williams stated that he would like to receive monthly updates on this matter.

Michael Salvadore made the following motion:

BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS AUTHORIZES THE CHAIRMAN OF THE BOARD OR THE EXECUTIVE DIRECTOR TO INCREASE THE CONTRACTUAL AMOUNT FOR THE

OU-1 AREAS 5, 6, & 7 CAP CONSTRUCTION, DATED SEPTEMBER 3, 2003, WITH J.H. LYNCH & SONS, INC. OF CUMBERLAND, RI FOR AN INCREASE OF \$661,335.55, FOR A TOTAL AMENDED CONTRACT PRICE OF \$14,115,955.55.

Ken Aurecchia seconded the motion which passed unanimously.

5. Hiring – Jim Allam stated that the Corporation is seeking to fill the vacant position of Weighmaster.

Wayne Salisbury made the following motion:

WHEREAS, ON MAY 21, 1197, THE BOARD OF COMMISSIONERS ADOPTED Α RESOLUTION AUTHORIZING THE **EXECUTIVE** DIRECTOR TO HIRE, TO TERMINATE, AND TO **ESTABLISH** COMPENSATION **FOR** EMPLOYEES OF THE CORPORATION: WHEREAS, THE EXECUTIVE DIRECTOR'S HIRINGS ARE TO BE REVIEWED AND APPROVED BY THE CHAIRMAN AND CEO AND RATIFIED BY THE BOARD: WHEREAS, AN ADVERTISEMENT WAS PLACED IN THE PROVIDENCE JOURNAL FOR THE POSITION OF WEIGHMASTER. COPY OF THE ADVERTISEMENT HAS BEEN DISTRIBUTED TO THE BOARD OF COMMISSIONERS. AFTER A THOROUGH REVIEW OF ALL APPLICATIONS SUBMITTED FOR THE POSITION INTERVIEWS WERE HELD; WHEREAS, THE CHAIRMAN HAS APPROVED THE SELECTION OF THE NAMED INDIVIDUAL; THEREFORE. THIS BOARD OF COMMISSIONERS **HEREBY**  AUTHORIZES THE EXECUTIVE DIRECTOR TO EXTEND AN OFFER OF EMPLOYMENT TO THE RECOMMENDED INDIVIDUAL WHICH WILL BE SUBJECT TO HIS SATISFACTORILY PASSING A PRE-EMPLOYMENT PHYSICAL AND BACKGROUND CHECK (BCI).

Michael Salvadore seconded the motion which passed unanimously.

6. Municipal Recycling Grants – This matter was referred to the Finance Subcommittee. Sherry Mulhearn asked that a resolution be passed accepting the Municipal Recycling Grant Program, The Recycling & Reuse Grant and Sponsorship and the Surf Rider Grant upon the Finance Subcommittee's approval.

Michael Salvadore made the following motion:

BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS AUTHORIZES THE CHAIRMAN AND/OR THE EXECUTIVE DIRECTOR TO AWARD GRANTS AS DISCUSSED AND APPROVED AT THE FINANCE SUBCOMMITTEE.

John St. Sauveur seconded the motion which passed unanimously.

7. Revised Rate Schedule – Joe Judge reported that the FY 2006 rate schedule has been amended to reflect the following: Waste Code 354 – alternative cover with CSW contract \$5.50 to reflect rate provided to CSW, Waste Code 102 – white goods with MSW contract

\$17.00 (to agree with FY 2006 MSW Contract and Waste Code 307 – Tires with MSW contract \$25.00 (to agree with FY 2006 MSW contract).

Michael Salvadore made the following motion:

BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS ADOPTS THE ABOVE NOTED AMENDMENTS TO THE FY 2006 RATE CODE AND PRICE SCHEDULE.

John Trevor seconded the motion which pass unanimously.

#### 8. Executive Session

John St. Sauveur at 1:48 p.m. made the following motion:

THAT BY A ROLL CALL VOTE CALLED BY THE GENERAL COUNSEL, THIS BOARD OF COMMISSIONERS SHALL GO INTO EXECUTIVE SESSION CLOSED TO THE PUBLIC IN CONFORMANCE WITH RIGENERAL LAWS SECTION 42-46-4 UPON AN AFFIRMATIVE VOTE TO HOLD THIS PORTION OF THE MEETING CLOSED TO THE PUBLIC FOR THE FOLLOWING PURPOSES:

- (A) (2) LITIGATION
- (A) (5) ACQUISITION OR DISPOSITION OF REAL PROPERTY
- (A) (6) PROSPECTIVE BUSINESS INTERESTED IN LOCATING IN RHODE ISLAND

Wayne Salisbury seconded the motion which passed unanimously.

John St. Sauveur made the following motion:

THAT THE MINUTES OF THE EXECUTIVE SESSION BE SEALED INDEFINITELY OR WHERE APPROPRIATE UNTIL ALL MATTERS DISCUSSED ARE RESOLVED.

Ken Aurecchia at 2:12 p.m. seconded the motion which passed unanimously.

Sherry Mulhearn stated that after the Executive Session she had several resolutions for the Board's approval.

Wayne Salisbury made the following motion:

BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS HEREBY AUTHORIZES THE CHAIRMAN AND/OR THE EXECUTIVE DIRECTOR TO NEGOTIATE A CONTRACT FOR THE POWER PLANT RELOCATION GENERALLY CONSISTENT WITH THE CURRENT PROPOSAL, HOWEVER RETAINING RHODE ISLAND ATTRIBUTES AT A MINIMUM SHARE CONSISTENT WITH THE PARAMETERS IDENTIFIED DURING THE EXECUTIVE SESSION TODAY.

Ken Aurecchia seconded the motion which passed unanimously.

John St. Sauveur made the following motion:

IN PREPARATION FOR THE MANDATORY SETTLEMENT CONFERENCE BEFORE JUDGE LAGAUX ON OCTOBER 17, 2005, THIS BOARD OF COMMISSIONERS HEREBY AUTHORIZES THE EXECUTIVE DIRECTOR AND OUTSIDE COUNSEL, W. MARK RUSSO TO NEGOTIATE A SETTLEMENT OF CIVIL ACTION NO. 03-585SL PURSUANT TO THE PARAMETERS DISCUSSED DURING EXECUTIVE SESSION TODAY.

Ken Aurecchia seconded the motion which passed unanimously.

John St. Sauveur made the following motion:

BE IT RESOLVED THAT THIS BOARD OF COMMISSIONERS AUTHORIZES THE CHAIRMAN AND/OR THE EXECUTIVE DIRECTOR TO EXECUTE THE DRAFT PURCHASE AND SALES AGREEMENT AS PRESENTED FOR PLAT 31 LOT 57 AND TO ACQUIRE SAID PROPERTY.

Ken Aurecchia seconded the motion which passed with a vote of 5 with Jerry Williams voting nay.

Michael Salvadore made the following motion:

BE IT RESOLVED THAT THIS BOARD OF COMMISSIONERS HEREBY AUTHORIZES THE CHAIRMAN OR THE EXECUTIVE DIRECTOR TO EXECUTE A PURCHASE AND SALES AGREEMENT SELLING THE COMMUNICATION EASEMENT FOR THE CELL TOWER SITE LEASE (248256) FOR A TOTAL AMOUNT NOT LESS THAN \$244,400.00.

John St. Sauveur seconded the motion which passed unanimously.

Ken Aurecchia made the following motion:

BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS HEREBY AUTHORIZES MICHAEL SALVADORE AS CHAIRMAN OF THE FINANCE SUBCOMMITTEE AND THE EXECUTIVE DIRECTOR SHERRY MULHEARN TO NEGOTIATE WITH MINING ORGANICS LLC FOR THE DEVELOPMENT OF A FOOD WASTE COMPOSING PROJECT UTILIZING THE IBR TECHNOLOGY.

Jerry Williams seconded the motion which passed unanimously.

## 9. Adjourn

John St. Sauveur made a motion to adjourn at 2:21 p.m. Jerry Williams seconded the motion which passed unanimously.

Sincerely,

# Sherry Mulhearn Executive Director

:spd